

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

AUG 11 2004

Case No. 5443
 Date Filed 8-10-04
 Hearing Date _____
 Receipt _____
 Fee \$450

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation <input type="checkbox"/> Special Exception <input type="checkbox"/> Use Variance <input type="checkbox"/> Change/Extension of Non-Conforming Use <input type="checkbox"/> Minor Area Variance <input type="checkbox"/> Area Variance <input type="checkbox"/> Variance from Requirements of the Code <input type="checkbox"/> Zoning Map/Drafting Correction	CASE 5443 MAP 64 TYPE Variance ELECTION DISTRICT 1 LOCATION 345 Enfield Road, Joppa, Md. 21085 BY Robert & Amy Axel (Long Fence Co., 1114 Rt. 3, North Crofton, Md. 21114) Appealed because a variance pursuant to Section 267-24B(1) of the Harford County Code to allow a fence higher than the required 4 foot in the front yard (5 foot existing) in a R3 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name ROBERT & AMY AXEL Phone Number (410) 679-9595

Address 345 ENFIELD ROAD JOPPA MD 21085
Street Number Street City State Zip Code

Co-Applicant LONG FENCE CO (Mr. Bower) Phone Number (410) 793-0600

Address 1114 RT 3 NORTH CROFTON MD 21114
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 345 ENFIELD ROAD TOPPA MD 21085

Subdivision TOPPA CROSSING Lot Number 12

Acreage/Lot Size 8668 SF (1/4 ACRE) Election District 01 Zoning R3

Tax Map No. 0064 Grid No. 0003F Parcel 0162 Water/Sewer: Private Public X

List ALL structures on property and current use: SFD 16'x28' ABOVE GROUND W/ DECK
18'x12' OPEN WOOD DECK W/ STEPS

Estimated time required to present case: 15 MINUTES

If this Appeal is in reference to a Building Permit, state number 2003240B0070

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes No X

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes X No

Is this request within one (1) mile of any incorporated town limits? Yes No X

Request

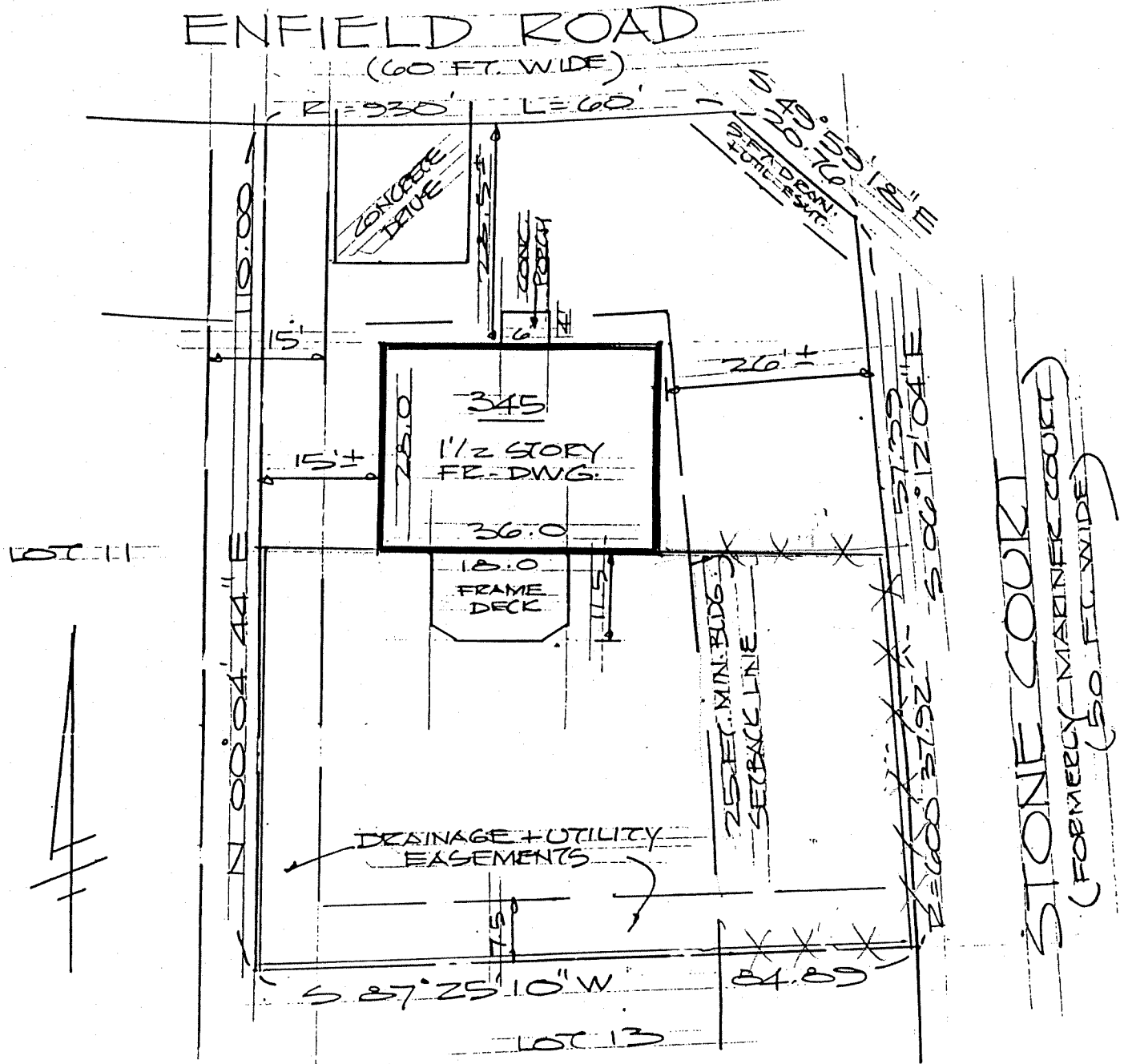
THIS REQUEST IS TO ALLOW APPROXIMATELY
100 LINEAR FEET OF 5 FOOT HIGH
FENCE TO REMAIN IN THE FRONT YARD
SETBACK AT 345 ENFIELD ROAD.

Justification

- ① FENCE IS SETBACK 60 FEET FROM ENFIELD ROAD
- ② FENCE IS 4 FEET OF SOLID BOARD WITH
ONE FOOT OF DECORATIVE LATTICE WHICH
STILL ALLOWS FOR FULL VISION.
- ③ OWNER AT 1010 STONE COURT DOES NOT
OBJECT TO THE HEIGHT OF FENCE. NEITHER
DOES SURROUNDING NEIGHBOR.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

This property is not located in a F.O.D. Identified Special Flood Hazard Area. Flood Hazard Map Interpretation though believed accurate is not guaranteed.



- 1) This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
- 2) This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- 3) This plat does not provide accurate identification of property boundary lines but such identification may not be required for the transfer of title or securing financing or re-financing.

This is to certify that this drawing meets the Minimum Standards of Practice of the State of Maryland.

Lot 12, Final Plat One, JOPPA CROSSING,
Plat Book C.G.H. No. 79, Folio 63

All setback dimensions are + or - feet unless otherwise noted.

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION

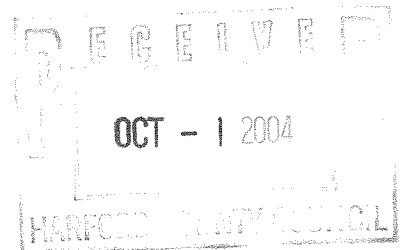


J. STEVEN KAH-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

September 28, 2004



STAFF REPORT

BOARD OF APPEALS CASE NO. 5443

APPLICANT/OWNER: Robert and Amy Axel
345 Enfield Road, Joppa, Maryland 21085

Co-APPLICANT/OWNER: Long Fence Company
(Mr. Bowers)
1114 Route 3 North, Crofton, Maryland 21114

REPRESENTATIVE: Applicants

LOCATION: 345 Enfield Road – Joppa Crossing
Tax Map: 64 / Grid: 3F / Parcel: 162 / Lot: 12
Election District: First (1)

ACREAGE: 8,668 square feet

ZONING: R3/Urban Residential District

DATE FILED: August 10, 2004

HEARING DATE: October 13, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

Request:

“This request is to allow approximately 100 linear feet of 5 foot high fence to remain in the front yard setback at 345 Enfield Road.”

Preserving our values, protecting our future.
(410) 638-3103

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Robert & Amy Axel

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Justification:

1. "Fence is set back 60 feet from Enfield Road."
2. "Fence is 4 foot of solid board with one foot of decorative lattice which still allows for full vision."
3. "Owner at 1010 Stone Court does not object to the height of fence. Neither does surrounding neighbors."

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-24B(1) of the Harford County Code to allow a fence higher than the required 4 foot in the front yard (5 foot existing) in an R3/Urban Residential District.

Section 267-24B(1) of the Harford County Code reads:

- (1) Front yards. For single-family detached units, walls and fences shall not exceed four feet in height above ground elevation. Where fences and walls are an integral part of the unit design and are applied in a consistent and coordinated pattern throughout the project, fences and walls may be constructed to a maximum of six feet above ground elevation. For continuing care retirement communities, consistent and coordinated fencing or walls may be constructed to a maximum of eight feet above ground elevation provided strategically located gates are provided for emergency access.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located in the southwest area of the County in the development of Joppa Crossing. The lot is situated on the southwest corner of Enfield Road and Stone Court. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 1 and 2).

This area of the County is located within the Development Envelope. Land use designations in the area include Low, Medium and High Intensities. There are also neighborhood and community centers. The Natural Features Map reflects Chesapeake Bay Critical Area, parks, stream systems and habitats of local significance. The Applicants' property is within the Medium Intensity designation, which is defined by the 2004 Master as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

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Robert & Amy Axel

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Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 3 and 4).

Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 2004 Master Plan. The area includes both commercial and residential development. Residential development includes a mobile home park, conventional single-family dwellings, townhouses, garden apartments and condominiums. Commercial uses include a shopping center, individual retail and service uses. Other land uses include schools, churches, a library and parks. Enclosed with the report is a copy of the aerial photograph (Attachment 5).

The property is a corner lot with frontage on Enfield Road and Stone Court. It is rectangular in shape and approximately 8,668 square feet in size with 25 foot front yard setbacks from both roads. Improvements consist of a frame single-family dwelling with a deck off the rear, a patio on the lower level, an above ground swimming pool, a concrete driveway and a 4 foot board-on-board fence with a 1 foot lattice top. The dwelling faces Enfield Road. The side of the dwelling and what the Applicants consider their rear yard faces and fronts on Stone Court, which also has a 25 foot front yard setback. The topography on the Enfield Road side is level to gently sloping; however, to the rear of the dwelling and on the Stone Court side the topography slopes sharply downward and has been terraced so that the yard is usable. The Applicants have re-graded a portion of the rear yard to locate an above ground pool. The fence is necessary in order to provide privacy and security for the pool. The fence does not create an impact on traffic and visibility. Enclosed with the report is a copy of the topography map, an enlargement of the aerial photograph and site photographs (Attachments 6, 7 and 8).

Zoning:

The zoning classifications in the area are consistent with the intent of the 2004 Master Plan as well as the existing land uses. Residential zoning includes R1 to R4/Urban Residential Districts. Commercial zoning includes B2/Community Business and B3/General Business Districts. The subject property is zoned R3/Urban Residential District as shown on the enclosed copy of the Zoning Map (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-24B(1) of the Harford County Code to allow a fence higher than the required 4 foot in the front yard (5 foot existing) in an R3/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially

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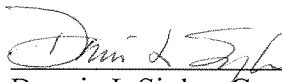
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detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

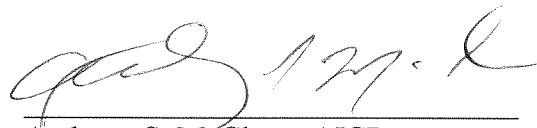
The Department finds that the subject property is unique. Numerous lots throughout the development have 4 to 6 foot fences around their rear yards to provide privacy and security. The subject property is a corner lot and subject to two front yard setbacks that greatly reduces the buildable area of the lot. Further, the topography of the lot is such that the rear slopes not only from front to rear, but it also slopes down towards Stone Court. Since the Applicants have a pool in the rear yard, the fence is necessary to provide privacy, and more importantly security. The fence does not create a safety or visibility problem from either road. The Applicants have submitted letters from the neighbors in the immediate surrounding area indicating they do not object to the existing fence (see Attachment 10).

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the Applicants obtaining all necessary permits and inspections for the fence.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka